

ASSEMBLY BILL

No. 1519

Introduced by Assembly Member De La Torre

February 27, 2009

An act to amend Section 3010 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1519, as introduced, De La Torre. Elections: vote by mail ballots.

Existing law requires an elections official to provide a qualified applicant for vote by mail voting with the ballot for the precinct in which the voter resides and all supplies necessary for the use and return of the ballot.

This bill would require an elections official to provide a qualified applicant for vote by mail voting with a business reply envelope in which to return an election ballot. By imposing additional duties on local elections officials, the bill would impose a state-mandated local program.

The bill would establish the State Vote by Mail Postage Fund, and would require that any General Fund moneys appropriated by the Legislature for the purposes of this provision be deposited into that account to provide business reply envelopes in which to return completed vote by mail ballots.

This bill would require the Secretary of State to amend the state plan submitted to the federal Election Assistance Commission pursuant to the federal Help America Vote Act of 2002 in order to enable the use of federal funds available under that act for business reply envelopes in which to return completed vote by mail ballots in elections for federal

offices. The bill provides that when the federal funds are depleted, funds from the State Vote by Mail Postage Fund shall be used exclusively.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state and not covered by the appropriation contained in this bill, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3010 of the Elections Code is amended
2 to read:

3 3010. (a) The elections official shall deliver to each qualified
4 applicant:

5 ~~(a)~~

6 (1) The ballot for the precinct in which he or she resides. In
7 primary elections this shall also be accompanied by the ballot for
8 the central committee of the party with which the voter is affiliated,
9 if any.

10 ~~(b)~~

11 (2) All supplies necessary for the use and return of the ballot,
12 including a business reply envelope in which to return the
13 completed vote by mail ballot.

14 (b) The State Vote by Mail Postage Fund is hereby established
15 in the State Treasury. Any moneys appropriated by the Legislature
16 from the General Fund for the purposes of this subdivision shall
17 be deposited into the fund to provide business reply envelopes in
18 which to return completed vote by mail ballots.

19 (c) No officer of this state may make any charge for services
20 rendered to any voter under this chapter.

21 SEC. 2. The Secretary of State shall amend the state plan
22 submitted to the federal Election Assistance Commission pursuant
23 to a provision of the federal Help America Vote Act of 2002 (42
24 U.S.C. Sec. 15403) in order to enable the use of federal funds
25 available under that act for business reply envelopes in which to
26 return completed vote by mail ballots in elections for federal

1 offices. When the funds available to the state for this purpose
2 pursuant to the Help America Vote Act are depleted, funds
3 specified in subdivision (b) of Section 3010 of the Elections Code
4 shall be used exclusively.

5 SEC. 3. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.